HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE Ms. JUSTICE G. ROHINI

Writ Petition 17054 of 2007

Between:
A.Venkata Ramana.

…Petitioner

And:

Visakhapatnam Port Trust,
Rep. by its Chairman,
Visakhapatnam

… Respondent

:: O R D E R ::

Counsel for the appellant : Shri Abhinand Kumar Shavilli.

Counsel for the respondent : Ms. V. Uma Devi.

26th October, 2007

Per G. S. Singhvi, CJ

In this petition, the petitioner has prayed for quashing order dated 1-8-2007 vide which the Chairman and Appointing Authority, Visakhapatnam Port Trust reverted him from the post of Safety Officer (Class-I) to the post of Fire and Assistant Safety Officer (Class-II), Marine Department.

One of the grounds, on which the petitioner has challenged the order of reversion, is that he was not given

reasonable opportunity of representing his cause against show cause notice dated 18th July, 2007. This is evinced from paragraph 7 of the petitioner's affidavit, which reads as under:

> "I further respectfully submit that the said show cause notice was received by me on 19-7-2007 and immediately I had contacted the Indian Navy officials and requested them to issue a clarification to the respondents that I have not obtained a certificate of Bachelor of Engineering by fraudulent methods. I further respectfully submit that I had given a reply to the show cause notice on 25-07-2007 requesting the first respondent to grant time up to 16-8-2007 so that I can get a clarification from the Indian Navy about the genuineness of the certificate issued to me by them and immediately I had approached the Indian Navy authorities. The Bureau of sailors have informed me that the certificate issued to me was a genuine one and the said certificate issued by them is a valid one and they also promised that they will issue a certificate of genuineness through a letter to the respondents. I further respectfully submit that the respondent without waiting for any reply from the Naval Headquarters and Naval Authorities had mechanically passed the impugned reversion orders on 1-8-2007 and reverted me from the post of Safety Officer to Fire and Assistant Safety Officer. I further submit that the certificate produced by me before the selection committee is a genuine one issued by the competent Naval authorities and the selection committee members were satisfied with the equivalency of the certificate issued by the Naval authorities to the effect that the certificate possessed by me is equivalent as a Bachelor of Engineering Certificate and only after fully satisfying I was selected and appointed as a Safety Officer".

At the hearing, Ms.V.Uma Devi, learned counsel for the respondent, submitted that in view of the grievance made by the petitioner that he was not given opportunity to show that the certificate issued by the Indian Navy was genuine, the competent authority will pass fresh order after complying with the rules of

natural justice.

In view of the submission made by the learned counsel, the Writ Petition is allowed. Order dated 1-8-2007 is quashed with liberty to the competent authority to pass appropriate order in furtherance of the show cause notice after giving reasonable opportunity to the petitioner to represent his cause. This would necessarily include the right to raise all legally permissible objections against the action proposed to be taken by the concerned authority.

G.S. SINGHVI, CJ

Date: 26-10-2007

G. ROHINI, J

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